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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,723	06/20/2005	Michaela Hoehne	65084.000013	5109
,,,	7590 09/18/2007 /II I I A M S I I P	EXAMINER		
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200			PAGE, BRENT T	
			ART UNIT	PAPER NUMBER
	N, DC 20006-1109		1638	
		·	MAIL DATE	DELIVERY MODE
			09/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)				
Office Action Summary		10/539,723	HOEHNE ET AL.				
		Examiner	Art Unit				
		Brent Page	1638				
Period fo	The MAILING DATE of this communication apports.	oears on the cover sheet w	ith the correspondence address				
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPL CHEVER IS LONGER, FROM THE MAILING D nsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. O period for reply is specified above, the maximum statutory period are to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailine ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNION (136(a). In no event, however, may a rewill apply and will expire SIX (6) MON (6), cause the application to become Al	CATION. reply be timely filed " ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
Status	•						
1) 🏹	Responsive to communication(s) filed on 22 J	une 2007					
-	This action is FINAL . 2b)⊠ This action is non-final.						
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
/	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposit	ion of Claims						
4)🛛	4)⊠ Claim(s) <u>2,3 and 5-20</u> is/are pending in the application.						
	4a) Of the above claim(s) <u>10-13 and 17-19</u> is/are withdrawn from consideration.						
5)	5) Claim(s) is/are allowed.						
6)	6) Claim(s) is/are rejected.						
• —	Claim(s) is/are objected to.						
8)🛛	Claim(s) <u>2,3,5-9,14-16 and 20</u> are subject to r	estriction and/or election re	equirement.				
Applicat	ion Papers	·	•				
9)[The specification is objected to by the Examine	er.					
10)	The drawing(s) filed on is/are: a) acc	epted or b) objected to	by the Examiner.				
	Applicant may not request that any objection to the	* · · · · · · · · · · · · · · · · · · ·	•				
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority (under 35 U.S.C. § 119						
	12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of:						
	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No						
	3. Copies of the certified copies of the priority documents have been received in this National Stage						
	application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)							
1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) A) Interview Summary (PTO-413) Paper No(s)/Mail Date.							
3) Infor	3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application						
Paper No(s)/Mail Date 6) Other:							

DETAILED ACTION

The reply filed by Applicant on 06/22/2007 is acknowledged. The amendments to the claims made by Applicant have necessitated a supplemental restriction requirement. Applicants must choose a single SEQ ID NO for search purposes.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Applicant is required to select a single nucleotide sequence representing the elected invention, (SEQ ID NO:3, or SEQ ID NO:5 or SEQ ID NO:7). Distinctly different DNA sequences are structurally distinct chemical compounds and are deemed to normally constitute independent and distinct inventions within the meaning of 35 U.S.C. 121. Absent evidence to the contrary, each such nucleotide sequence is presumed to represent an independent and distinct invention, subject to a restriction requirement pursuant to 35 U.S.C. 121 and 37 CFR 1.141 et seq.

Applicant is required to elect a single nucleotide sequence. Electing a sequence is not to be construed as a requirement for an election of species, since each nucleotide sequence is not a member of a single genus of invention, but constitutes and independent and patentably distinct invention.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brent Page whose telephone number is (571)-272-5914.

The examiner can normally be reached on Monday-Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Anne Marie Grunberg can be reached on (571)-272-0975. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Brent T Page

ELIZABETH MCELWAIN
PRIMARY FYAMINER